a reflection preventing film formed on a back or surface of said shade pattern, wherein the surface of said shade pattern is planarized by a chemical and mechanical polishing thereon.

SUB E1

2. (Amended) A photomask comprising:

a transparent substrate;

a shade pattern formed selectively on a main surface of said transparent substrate; and

D1 Cont.

a phase shift pattern selectively formed on said shade pattern and said transparent substrate,

wherein a surface of said phase shift pattern is planarized by a chemical and mechanical polishing.

SUB E2

5. (Amended) A photomask comprising:

a transparent substrate;

a hollow section formed on a main surface of said transparent substrate;

D2

a shade pattern formed in said hollow section;

a phase shift pattern selectively formed on said transparent substrate and said shade pattern,

wherein a thickness of an end section of said phase shift pattern in contact with said transparent substrate gradually decreases, the gradual decrease formed by chemical and mechanical polishing.

7. (Amended) A photomask comprising:

a transparent substrate;

a hollow section formed on a main surface of said transparent substrate;

a shade pattern formed in said hollow section; and

a phase shift pattern formed by selectively etching said transparent substrate.

8. (Amended) A photomask according to claim 7, wherein an end section of said phase shift pattern that is in contact with said transparent substrate has a sloped shape that gradually decreases.

13. (Amended) A photomask according to claim 2, further including a halftone phase shift pattern with a shade pattern.

14. (Amended) A photomask according to claim 2, wherein said phase shift pattern has a shade pattern formed with a phase shifter.

15. (Amended) A photomask according to claim 2, further including an intermediate type phase shift pattern.

16. (Amended) A photomask fabrication method at least comprising the steps of:

forming a resist on a transparent substrate;

forming a pattern by selectively exposing and developing said resist by using a radiation ray;

selectively etching said transparent substrate by using said resist as a mask;

eliminating said resist;

D4 Cont

forming a first reflection preventing film on said transparent substrate which is selectively etched;

forming a shade film on said first reflection preventing film;

performing a chemical and mechanical polishing for said shade film; and

forming a second reflection preventing film.

17. (Amended) A photomask fabrication method at least comprising the steps of:

forming a resist on a shade film on a transparent substrate;

forming a pattern by selectively exposing and developing said resist by using a radiation ray;

selectively etching said shade film using said resist as a mask;

eliminating said resist;

forming a phase shift film on said shade film which is selectively etched;

selectively etching said phase shift film; and

performing a chemical and mechanical polishing after selectively etching of said phase shift film.

DA Cont.

18. (Amended) A photomask fabrication method according to claim 17, after the step of forming said phase shift pattern, further comprises the step of:

performing a chemical and mechanical polishing.

19. (Amended) A photomask fabrication method according to claim 17, after the step of eliminating said resist, further comprises the steps of:

forming a second resist film on said shade film which is selectively etched;

selectively etching said second resist film to form a second resist pattern;

selectively etching said transparent substrate by using said second resist pattern as a mask;

eliminating said second resist pattern; and

performing said chemical and mechanical polishing.

20. A photomask fabrication method at least comprising the steps of:

forming a resist on a transparent substrate;

forming a pattern by selectively exposing and developing said resist by using a radiation ray;

selectively etching said transparent substrate by using said resist as a mask;

eliminating said resist;

D4 Cont. forming a shade film on said transparent substrate which is selectively etched;

performing a chemical and mechanical polishing for said shade film;

forming a phase shift film on said shade film;

selectively etching said phase shift film; and

performing a chemical and mechanical polishing.

22. (Amended) A photomask fabrication method at least comprising the steps of:

forming a resist on a transparent substrate;

forming a pattern by selectively exposing and developing said resist by using a radiation ray;

selectively etching said transparent substrate by using said resist as a mask;

D5 eliminating said resist;

forming a shade film on said transparent substrate which is selectively etched;

performing a chemical and mechanical polishing for said shade film;

forming a resist film on said shade film;

selectively etching said resist film; and

selectively etching said transparent substrate.

23. (Amended) A photomask fabrication method according to claim 22, after the step of selectively etching said transparent substrate, further comprises the step of:

performing said chemical and mechanical polishing for a phase shift pattern formed by selectively etching said transparent substrate.

29. (New) A photomask according to claim 3, wherein said phase shift pattern includes a phase shift pattern formed every other opening on the photomask.

30. (New) A photomask according to claim 4, wherein said phase shift pattern includes a phase shift pattern formed every other opening on the photomask.

31. (New) A photomask according to claim 5, wherein said phase shift pattern includes a phase shift pattern formed every other opening on the photomask.

32. (New) A photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern formed every other opening on the photomask.

33. (New) A photomask according to claim 8, wherein said phase shift pattern includes a phase shift pattern formed every other opening on the photomask.

34. (New) A photomask according to claim 3, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

35. (New) A photomask according to claim 4, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

D6 cont. sub E6 36. (New) A photomask according to claim 5, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

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37. (New) A photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

38. (New) A photomask according to claim 8, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

39. (New) A photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern formed at an edge of a main opening.

40. (New) A photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern having a mask pattern formed with a half tone film having a low transmissivity in reverse phase.

41. (New) A photomask according to claim 7, further including a halftone phase shift pattern with a shade pattern.

42. (New) A photomask according to claim 7, wherein said phase shift pattern has a shade pattern formed with a phase shifter.

43. (New) A photomask according to claim 7, further including an intermediate type phase shift pattern.

44. (New) A photomask fabrication method according to claim 17, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

45. (New) A photomask fabrication method according to claim 18, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

46. (New) A photomask fabrication method according to claim 19, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

D6 cont

47. (New) A photomask fabrication method according to claim 20, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

48. (New) A photomask fabrication method according to claim 22, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

D6 cont.

49. (New) A photomask fabrication method according to claim 23, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.